



COPY OF PAPERS
ORIGINALLY FILED

26438
Patent

240/016 (prev. 6646-101NM)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ronald A. KATZ

Serial No.: 09/364,731

Filed: July 20, 1999

For: TELEPHONIC-INTERFACE
STATISTICAL ANALYSIS SYSTEM
CONTINUATION

Group Art Unit: 2643

Examiner: S. Woo

Office Action Mailed:

October 23, 2001

TRANSMITTAL

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Technology Center 2600

Box Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment and Response to Office Action for the above-identified application.

- ☐ "Small Entity Status" of this application under 37 CFR §§ 1.9 and 1.27 has been established by a Verified Statement previously submitted.
- ☐ A Verified Statement to establish "Small Entity Status" under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(4)] for the total number of months checked below:

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C., 20231.

Date

April 23, 2002

Reena Kuyper, Registration No. 33,830

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$200.00	<input type="checkbox"/> \$400.00
3 months	<input type="checkbox"/> \$460.00	<input checked="" type="checkbox"/> \$920.00
4 months	<input type="checkbox"/> \$720.00	<input type="checkbox"/> \$1,440.00

- ☐ An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.
- ☒ Extension fee due with this Request \$920.00.
- ☐ **NO ADDITIONAL EXTENSION FEE IS REQUIRED.**

FEEES FOR CLAIMS:

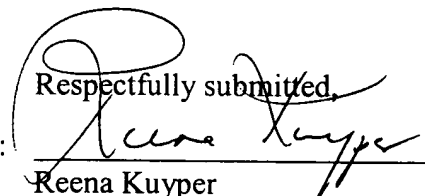
The fees for claims (37 CFR § 1.16(b)-(d)) have been calculated as shown below:

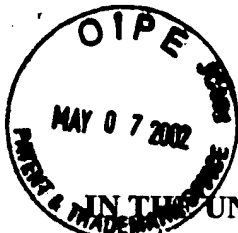
Total Claims	20	-	20	=	0	x	\$18.00	\$0.00
Independent Claims	4	-	4	=	0	x	\$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)					<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS								\$0.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.								
If applicable, Verified Statement must be attached.								<input type="checkbox"/> \$0.00
TOTAL FEES FOR CLAIMS SUBMITTED HERewith								\$0.00

- ☐ A check in the amount of _____ is enclosed to cover the above fee(s).
- ☒ Charge Deposit Account No. **50-1636** in the amount of \$920.00.
- ☒ The Commissioner is authorized to charge Applicant's Deposit Account No. **50-1636** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-1636**.

Dated: April 23, 2002

9220 Sunset Blvd., Suite 315
Los Angeles, California 90069
(310) 247-2860

Respectfully submitted,

By: Reena Kuyper
Registration No. 33,830



COPY OF PAPERS
ORIGINALLY FILED

Patent
244/165 (prev. 6646-101NO)

#12
smc
5/21/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ronald A. KATZ

Serial No.: 09/364,731

Filed: July 20, 1999

**For: TELEPHONIC-INTERFACE
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) **Group Art Unit: 2643**

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RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated October 23, 2001, Applicant respectfully requests the Examiner to consider the following remarks and to withdraw her rejection of claims 29-48, all of which stand rejected. Also, Applicant requests the Examiner to consider a personal interview to discuss the divergent positions, if the Examiner is not persuaded.

I. Rejection Under 35 U.S.C. Section 112

The Examiner has rejected claims 29-48 under 35 U.S.C. Section 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner has identified various claim recitations for which she has found no support. Applicant has identified below support for each of these recitations.

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Date

April 23, 2002

Reena Kuyper
Reena Kuyper, Registration No. 33,830

05/10/2002 HNDRI 0000038 501636 09364731 920.00 CH 01 FC:117

a. *"Cards"*

The Examiner takes the position that claims 29-37 recite a *"telephone system of a type controllable by cards"* and claim 38 recites a *"method of handling telephone calls by use of cards."* According to the Examiner, *"applicant's specification contains no teaching or suggestion of using 'cards' recited in the manner recited in the claims."* The Examiner urges an argument that *"[a] card which controls a telephone system or handles telephone calls is used to enable a caller to place long distance calls over any phone and to charge the call to the account of the accountholder. The card authorization takes place at the telephone switching facility such that the call is not completed through the telephone network unless certain conditions are met. In contrast, applicant's specification describes the use of a credit card to authorize a transaction, such as mail order transaction or lottery participation, which takes place over an already completed telephone connection. A card for controlling a telephone system or handling telephone calls, as in the travel card of Marshall and as defined by the present claims, is used to authorize telephone call completion between a caller and a desired second party. The credit card or lottery card of the applicant is used to authorize a mail order transaction or participation in a lottery; calls are completed to applicant's telephone-interface system without a prior qualification based on the credit card or lottery identification data. Therefore, applicant's credit card or lottery ticket cannot be considered as a 'card' as defined by the claim, which carries out a specific function in the telephony art."*

In response to the Examiner's above-stated position, Applicant respectfully urges that as clearly stated in Applicant's specification, on page 4 thereof, Applicant indicates that *"the specific structural and functional details disclosed herein are merely representative..."* Accordingly, it is not important whether a card is called a *"travel card"* or by any other name (*"lottery"* card alleged by the Examiner), as long as the use of the card is carried out in a similar way. The Examiner argues that Applicant's specification does not support the use as claimed. Applicant respectfully negates the Examiner's position. Katz discloses a card bearing a number that is utilized with a telephone system, as does Marshall. The Katz application broadly refers to cards, and

describes products such as cards or tickets, which carry a concealed key number. The claims are directed to use of cards with a telephone system in a touchtone scenario.

The Examiner argues that the claims somehow suggest that "*authorization*" etc. occurs before the call is completed through the telephone network. The claims themselves define "*a telephone system of a type controllable by cards.*" Applicant respectfully submits that the claims do not suggest the distinction between Applicant's specification and the claims that are urged by the Examiner. Applicant believes that a telephone connection is not complete until a call is actually terminated. In support, Applicant again, draws the Examiner's attention to pages 72 and 73 (provided before) of the Court's "CONCLUSION OF LAW REGARDING PATENT CLAIM CONSTRUCTION" that relates to other claims issued to Applicant in his related patents. There, with respect to the terms "*Products Carrying Participation Numbers,*" which would cover a "*travel*" card, or "*lottery card*" or any card bearing a participation number, defendants urged an argument to exclude "*prepaid calling cards.*" Clearly, "*prepaid calling cards*" are used for making telephone calls under control of the telephone company. The Court concluded that "*products carrying participation numbers*" means: "*a physical item sold or exchanged in a commercial setting which carries a number allowing participation in the Katz system.*"

- b. "*Switching computer means being capable of disallowing completion of a call through the switching station if it is determined...that the call is not placed by a caller in good standing*"**

Claims 29-37, 39-47 recite a "*switching computer means being capable of disallowing completion of a call through the switching station if it is determined...that the call is not placed by a caller in good standing.*" The Examiner takes the position that Applicant's specification does not provide support for this aspect, "*since in applicant's system, the call is completed through the switching facilities irrespective of the caller's standing.*" On page 13 on his specification, Applicant clearly indicates to the contrary. By way of example, looking at Figure 1 of Applicant's drawings, clearly a call initiated by one of the remote terminals, say T1, would progress via the communication facility (C), through one of the ACDs, say AC1, and finally via the processing system P1

(including an interface (including **switching** mechanisms, a **switch** 21, and a processor PR1).

c. ***“Preventing connection of telephone calls if validation determines the call is not made by a caller in good standing”***

The Examiner states that in applicant's system, a caller dials the telephone number and is coupled by the communication facility through the ACD, interface and switch to a select processor. It is only after the call has been completed from the caller through the switching facilities to the select processor that the caller is determined as being one of good standing. Again, Applicant indicates that page 13 of his specification clearly describes the progression of a call through his system where his system determines if a telephone number is valid or entitled (*“in good standing”*), either if it contains an inappropriate number of digits or if it has been used to a point of excess.

d. ***“Make a call through the telephone system”***

“Prevent a caller using a card to make a call through the telephone system”

“Leave a message for at least one subsequent caller using a card to make a call through the telephone system”

“Permit a caller using a card to make a call through the telephone system”

“Permit a caller using a card to make a call through the telephone system to be automatically rerouted to a call number supplied to the system by a card customer”

The Examiner further contends that Applicant's disclosure fails to provide support for the voice response device, which is able to perform the above-indicated functions. Applicant respectfully submits that his interface 20 (incorporating a voice generator with voice capability (blocks 42, 56, 72, and 86)) is capable of performing all the above-indicated functions. The interface 20 with voice capability assists with the progression of a call through the processing system P1. It prevents a caller from using a card and accessing operations if the caller is not entitled.

- e. ***“Repeated failed attempts determination”***
“Preventing repeated attempts to enter the telephone system from a particular dial-up source communication source by using a series of invalid personal identification numbers within a predetermined period of time”
“A data storage server means...capable of access by card customers of the telephone system to provide current billing information to card customers”
“A voice response means being...capable of providing an oral report of current account status to card users”

The Examiner further indicates that Applicant's specification fails to disclose the above-indicated aspects of the claims. In particular, the Examiner asserts an argument that *“applicant's system provides for a use-rate calculator for determining and limiting the number of successful uses by a caller, not the number of failed attempts.”* Again, Applicant points to page 13 of his specification, where the system has the capability to determine if the caller has entered a proper telephone number or not. *“The caller is then allotted a predetermined period of time to make a proper entry...[i] the second try good?”* The system keeps track of the failed attempts.

The recitations about *“a data storage server means”* and *“a voice response means”* are adequately met by the support pointed out before, specifically, at page 40, lines 13-17 and 27-33.

For example, Applicant's specification indicates that *“...a substantial number of callers are accounted for in cells of the memory 98 and similar units of the composite system. The cells indicate sequences of calling and also may contain billing data where appropriate.”* Applicant's specification also indicates the following: *“...the system may inform callers of their success during the course of the interface telephone call.”*

Applicant respectfully requests the Examiner to reconsider her position.

Dated: _____

April 23, 2002

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Respectfully submitted,
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